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COMMITTEE AGAINST TORTURE

Twenty-fourth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 433rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 16 May 2000, at 3 p.m.

Chairman: Mr. BURNS

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.433/Add.1.

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GE.00-42250 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 7) (continued)

Third periodic report of the Netherlands (continued) (CAT/C/44/Add.4 and 8)

Conclusions and recommendations of the Committee (CAT/C/XXIV/Concl.7)

1. At the invitation of the Chairman, Mr. van der Kwast (Netherlands) took a place at the Committee table.

2. The CHAIRMAN, after welcoming the representative of the Netherlands, invited the Country Rapporteur to read out the conclusions and recommendations adopted by the Committee concerning the third periodic report of the Netherlands.

3. Mr. YU Mengjia (Country Rapporteur) read out the following text:

1. The Committee considered the third periodic report of the Netherlands (CAT/C/44/Add.4 and 8) at its 426th, 429th and 433rd meetings on 11, 12 and 16 May 2000 (CAT/C/SR.426, 429 and 433), and adopted the following conclusions and recommendations.

A. Introduction

2. The Committee notes with satisfaction the third periodic report of the Netherlands (European part of the Kingdom, Antilles and Aruba), which conforms to the general guidelines for the preparation of periodic reports as to content and form.

3. The Committee thanks the three respective Governments for their comprehensive reports as well as for the oral reports and clarifications made by the delegations, which displayed a spirit of openness and cooperation.

4. The Committee welcomes the three accompanying core documents which, although not submitted in keeping with prescribed time, facilitated the examination of the reports.

5. The Committee regrets that no Aruba delegation could be present during the examination of the reports. However, the Committee appreciates the written information and answers provided by Aruba to the Committee.

B. Positive Aspects

6. The Committee particularly notes with satisfaction the following:

(a) That it has received no information about allegations of torture in the State party;

(b) As of early 1999, a special National War Criminals Investigation Team has been set up and made operational in the Netherlands (European part), to facilitate the investigation and prosecution of war crimes, which can include torture as specified in the Convention;

(c) The State party's contributions to the United Nations Voluntary Fund for Victims of Torture;

(d) Clarifications by the representative of the State party as to the non-prosecution of General Pinochet when he was on the territory of the Netherlands. While regretting the lack of prosecution on the grounds of non-feasibility, the Committee notes with satisfaction that the State party representative has affirmed that immunity from prosecution does not presently hold under international human rights law;

(e) The Netherlands Antilles and Aruba have both recently in criminal legislation made the act of torture punishable as a separate criminal offence, also establishing the principle of universal jurisdiction;

(f) The Netherlands Antilles has established a National Investigation Department to investigate allegations of breach of authority by public servants and a public Complaints Committee on police brutality. In addition, several short and mid-term measures have been taken to ameliorate conditions in prisons;

(g) The assurances that, despite privatization of prisons in the Netherlands Antilles, the State's obligations under the Convention continue to apply;

(h) Measures taken in the Netherlands Antilles to ensure that officials visit the prisons once a week.

C. Subjects of concern

7. The Committee expresses its concern about:

(a) Allegations of police actions in the Netherlands (European part), involving illegitimate body searches, inadequate deployment of female officers, and some excessive use of force by the police in connection with crowd control;

(b) Allegations of inter-prisoner violence, including sexual assault in Koraal Specht prison in the Netherlands Antilles;

(c) The daily use of a riot squad as a means of prisoner control in Koraal Specht prison in the Netherlands Antilles;

(d) Some allegations of police brutality in Aruba and the absence of information, including statistics, regarding the prison population.

D. Recommendations

8. The Committee recommends that:

(a) Measures be taken in the Netherlands (European part) to fully incorporate the Convention into domestic law, including adopting the definition of torture as contained in article 1 of the Convention;

(b) Despite improvement already made in the Netherlands Antilles, effective measures should continue to be taken to bring to an end the deplorable conditions of detention at Koraal Specht Prison;

(c) The practice of controlling prison discipline by the use, on a virtually daily basis, of riot squads in the Netherlands Antilles should be reviewed and, in particula. efforts should be made to develop alternative means to prevent inter-prisoner violence. Such means should include the proper training of prison personnel;

(d) Relevant statistics should be provided to the Committee, disaggregated by gender and geography.

4. Mr. van der KWAST (Netherlands) thanked the Committee for its constructive comments, of which his Government would endeavour to take full account.

5. The delegation of the Netherlands withdrew.

The public part of the meeting rose at 3.15 p.m.